

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NATHAN BREEDEN,)	
)	
Plaintiff,)	
)	No. 3:15-cv-0479
v.)	
)	Judge Sharp/Knowles
SHERIFF JOHN FUSON)	
)	
Defendant.)	

ORDER

Plaintiff Nathan Breedon, a Montgomery County Jail prisoner proceeding pro se, has filed a civil rights complaint pursuant to 42 U.S.C. § 1983. He alleges that there is mold growing in the sinks and in the showers; there are spiders infesting the cells; the ventilation system is clogged; some cells lack sprinkler heads; there are no emergency call buttons to alert jail guards of an emergency; the guards watch inmates shower; the inmates do not get enough time in the dark for sleeping; the inmates are not provided with water or access to restrooms during recreation time; and that the unsanitary conditions of the jail caused the plaintiff to develop hepatitis B, requiring him to be hospitalized for treatment. (Docket No. 1 at pp. 5, 7). This Court previously dismissed Plaintiff's claims against the Montgomery County Jail. (Docket No. 8). The Court also sent Plaintiff a service packet for Defendant John Fuson. (Docket No. 9).

Plaintiff failed to serve the Summons and Complaint on Defendant Fuson within the 120-period mandated by Federal Rule of Civil Procedure 4(m), causing Magistrate Judge Knowles to issue an Order to Show Cause. (Docket No. 13). Per Magistrate Judge Knowles's Order, Plaintiff had until September 24, 2015 to explain why he failed to serve the Defendant within 120 days. Id. Plaintiff neither responded to Magistrate Judge Knowles's Order nor served the

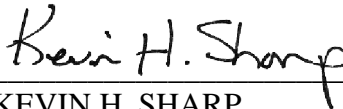
Summons and Complaint on the Defendant. Accordingly, Magistrate Judge Knowles has issued a Report and Recommendation (“R & R”) (Docket No. 16) in which he recommends that this action be dismissed without prejudice. Despite being advised that any objection needed to be filed within fourteen days, Plaintiff has filed none.

Having considered the matter de novo as required by Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the recommended disposition.

Accordingly, the Report and Recommendation (Docket No. 16) is hereby ACCEPTED and APPROVED and this case is hereby DISMISSED WITHOUT PREJUDICE.

The Clerk of the Court shall enter judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE